IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.44 OF 2005

IN

NOTICE OF MOTION NO.971 OF 2002

IN

S.C.SUIT NO.1233 OF 2002

Shah Mohammed Choudhary ... Appellant
(Org.Plaintiff)

V/s

Khadim Ali Salimuddin & Ors. ... Respondents
(Org.Defendants)

Shri Anil Singh with D.R.Shah for appellant

Shri A.A.Mirza for respondents No.1 to 3

Coram : A.S. Oka, J.

Date : 8th February,2005

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1 Admit. Respondents waive service. Taken up for hearing forthwith.

2 The challenge in this appeal from order is to the order dated 8th December 2004 passed by the learned Trial Judge. After arguing the appeal for some time, the learned counsel for the Appellant and Respondents state that appeal from order may be finally disposed of by directing that till the disposal of the suit,the order of ad-interim relief granted on 7th March 2002 should continue to operate.

The learned counsel for the parties pray that hearing of the suit may be expedited. In view of these submissions, I pass following order.

ORDER

1 The impugned Judgment and Order dated 18th December 2004 is quashed and set aside.

2 Ad-interim order dated 7th March 2002 passed by the learned trial judge in notice of motion No.971 of 2002 will continue to operate till the final disposal of the suit.

3 The learned Trial Judge will decide the suit expeditiously. It is obvious that the suit will be decided on its merit.

4 Parties to act on a authenticated copy of this order.

5 No order as to costs.

(A.S. Oka,J.)